Scott. II-27--40,004--6-11-28.

Law(Ll) (1929) Department.

Ms SERIES

G.O. No. 4479

DATED 18-11-1929

[Despatch Abstract.]

Courts - village Panchayat - Haleangadi - Mangalore taluk - South Kanara district - Election of members - Petition - Collector's report - Recorded.

1

C 4449 B

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To

The Secretary of Government,

Law Department,

M a d r as.

Humble Revision petition of P.D.Picardo son of Jacob Picardo residing at Pavanje Village, Mangalore Taluk, South Kanara Dt.

Dated 28th September 1929.

Re: D.Dis. No. 2622/13-9-29 of the proceedings of the Revenue Divisional Officer, Mangalore Division.

Respected Sir,

The election of Vasu Shetty and Isub Beary to the Haleangadi Panchayat Court membership is a clear violation of the rules under the Panchayat Courts act, which allow members to be elected from among those resident within the juisdiction of the Court.

The said members Vasu Shetty and Isub Beary are residents of Bellairu Village which is outside the jurisdiction of the Haleangadi Panchayat Court and a copy of the plaint filed by the said Vasu Shetty in O.S.No.210/1929 of the District Munsiff Court of Mangalore which has been herewith enclosed confirms this fact.

Being a resident of Bellairu Village the said Isub Beary is a member of the newly established Panchayat union and also of the co-operative credit society of Bellairu Village When on 5-9-1929 the Padupanambur Panchayat Court proceeded to elect members the said Isub Beary was a candidate for the same but he failed therein. This fact will be borne out from the proceedings of the election officer concerned.

That the said two members are residents of Bellairu Village is evident also from the list of voters prepared in July last for the constituency of South Kanara for the Madras Legislative Council and from the voters list for the Taluk Board constituency.

Prior to the election of the said members to the

Haleangadi Panchayat Court on 5-9-1929 objection was raised orally regarding the eligibility of the said members to stand for election on grounds of non-residence and rejection of one of them by the Padupanambur Panchayat Court. But the election officer overruled the objection and proceeded with the election.

The Revenue Divisional Officer has rejected the objection petition on the ground that objection was not raised at the time of the election and has therefore, overlooked these grounds of the petition and thereby failed to redress this public injustice.

The petitioner therefore prays that regarding these facts Duggappaya, Patail of Padupanambur Village and Ramayya Shanbhogue, Shanbhogue of Haleangadi Village may be examined and that the election proceedings of the Padupanambur Panchayat Court dated 3-9-1929 may also be called for and that an order may be granted for withholding the election of the President of the Haleangadi Panchayat Court till the disposal of this revision petition.

The petitioner has preferred this application for consideration and decision thereon, since that is the only remedy available to him, in as much as he is not entitled to prefer an appeal against the order of the Revenue Divisional Officer.

On these grounds the petitioner prays that the election of the said members may be cancelled.

For which act of kindness and justice the petitioner shall be ever grateful.

I beg to remain,

Respected Sir,

Your most obedient servant.

Paul & Pereira.

D.Dis.No.2622-29.

Proceedings of the Revenue Divisional Officer, Mangalore Division, dated: 13th September 1929.

M. S. Pai, Hvergal, B.A.

COURTS -- Village Panchayat -- Mangalore Taluk -- Kaleangadi Kolkade, Kavathar, Mundkur, Kondemula and Surathkal Courts -- Election of members -- Approved.

Read (1) G.O.No.Misel.2319, dated 4-6-1929 and G.O.No. Misel. dated 27-7-1929.

(2) Mangalore Tahsildar's report Ref.No.1517-29, dated 7-8-1929 submitting proceedings in respect of the elections held at Mundkur, Kavathar, Kolkade and Surathkal Courts.

(3) Objection petition dated: 30-8-1929 of the residents of Surathkal, Hosbettu and Iddya villages re: the election held at Surathkal.

(4) This office Ref.No.2622-B-29, dated 3-9-1929 to the Tahsildar, Mangalore.

(5) Tahsildar's report M.Dis./.CNo.4372-29, dated 9-9-29.

(6) Stry.Dy.Tahsildar's report M.Dis.C.C.No.876/29, dated 5-9-1929 submitting election proceedings dated 5-9-1929 in regard to the elections held at Kaleangadi.

(7) Objection petition dated 7-9-1929 of Paul Picardo re; the election held at Kaleangadi.

(8) This office Ref.No.2622-29-B, dated 10-9-1929 to the Stry.Dy.Tahsildar, Mangalore and his report M.Dis.C.C.No.897/29, dated 10-9-1929; and,

(9) the connected records.

O r d e r.

The elections held at Surathkal and Kaleangadi cannot be cancelled, as the objections referred to in the above petitions were not raised at the time of the elections as required by rule 18 of the rules framed under the Village Courts Act. The petitions of the residents of Surathkal, Iddya and Surathkal Villages and of Paul Picardo are therefore rejected.

x x x x

Sd/ M. S. Pai,
13-9-1929.
Revenue Divisional Officer.

/True extract/

M.E.S./13-9. For Revenue Divisional Officer.

Extract (para 1) to petitioners thro' the Tahsildar, Mangalore.

To

Mr R.Rg Paul Picardo, and

Pavanje Village.

In the court of the District Munsif of Mangalore

original Suit no 210 of 1929.

Between

Vasu Shetty — Plaintiff

and

1. Kanthappa Belchada
2. Kunchamma Hegde
3 Narayana Bhatta — Defendants.

Plaint under section 26 order VII Rules 1 to 6 of Act V of 1908

Plaintiff abovenamed begs to state as follows

Plaintiff is the son of Kolnadegutte Shankara Shetty and resides in Bellairu village of Mangalore Taluk. Plaintiffs address for service is as stated above

2. 1st defendant is the son of Maina Pujary and 2nd defdt is the wife of 1st defendant and 3rd deft is the son of Mukyaprana Bhatta and all the defts reside in Bellair village of Mangalore Taluk

3(a) That as per terms of Registered deed of Simple mortgage executed on 6-7-1917 by the 1st deft in favour of two persons Rangu Hegde and Sannaka Hegde for Rs 200 for consideration borrowed on the responsibility of the immovable properties fully described in schedule B hereto the first deft amongst other terms agreed to pay interest thereon at 8% p.a. payable by the 5th July every year and to pay the principal amount together with

interest or arrears of interest due on the 5th July of any year following between 1922 and 1925
The deed also provides for payment of interest at 12% on the arrears of interest that remained unpaid and for all the sums so due the immoveable properties described in schedule B hereto has been duely charged. That the mortgage deed produced herewith may also be read as part of this plaint

(4) That the defendant is also liable to pay interest on the mortgage amounts due thereafter the due date fixed in the deed at the rate specified in the deed as damages

(5) That out of the amounts due principal interest and interest on interest due only the interest due up to 5.7.1923 has been paid leaving the balance in arrears

(6) That the 2nd defendant appears to have taken a subsequent Mulgasi from the 1st deft and the 3rd. deft appears to have taken a release of the mortgaged properties subject to the payments of the amounts due under the mortgage and they have been impleaded herein as such to enable Plaintiff to bring the mortgaged properties to sale free from their objections

(5) Since the suit the cause of action for which arose on 6.7.1924, 6-7-1925 and since in chellar village within the jurisdiction of this court

4. Plaintiff estimates the value of the relief claimed at Rs 324-9-6 for purposes of jurisdiction and court fees

5. Plaintiff therefore prays for a decree and judgment against the defts for sale of the immovable properties described in schedule B hereto free from all objections on the part of defts and dates 2 and 3 for

1. Principal amount decreed — Rs 200-0-0

2. Interest decreed thereon from 5-7-24 at 8% per — 16-0-0

3. Interest on the above from 6.7.24 upto date at 12½% per — 7-14-0

4. Interest decreed on 5.7.1925 — 16-0-0

5. Interest on damages on the above from 5.7.25 upto date at 12½% — 7-14-0

6. Interest on damages decreed on 5.7.1926 — 16-0-0

7. Interest on damages on the above from 5.7.26 upto date at 12½% — 5-14-0

8. Interest on damages decreed on 5.7.1927 at 8% — 16-0-0

9. Interest on damages on the above from 5.7.27 upto date at 12½% — 3-14-0

10. Interest on damages decreed on 5.7.28 at 8% — 16-0-0

11. Interest on damages on the above from 5.7.28 upto date at 12½% — 1-14-0

12. Interest on damages decreed from 5.7.8 upto date at 8% — 14-0

13. Cost of registered notice — 1-0

321

(14) cost of suit 7

(15) future interest on the above and for such other and further reliefs as to this court may seem fit

Plaintiff however reserves his right to sue for a personal decree in case the sale proceeds are not found sufficient to satisfy the claim

Schedule

[illegible]

15 [illegible] 0-8-9 6-11-[illegible]

7 0-85 7-7-

[illegible]

Received

Advocate for Plff

Allegation
1-7-45

10/9/10

8

9.10

Law (Legal) Dept

G.No: 4449B.

Endl- 4449B-1/9x-4

Petition of the 28th Sept 1925 from P. D. Picardo son of Jacob Picardo, resident of Pavanje village, Mangalore Taluk for setting aside the election of Vasu G Kotty and Sub Beary to the Panchayat Court at Kaleangadi

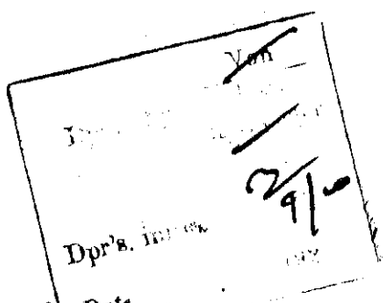
—

Referred to the Collector of South Kanara for remarks

8/10

Mr 1-2 auto

RD 13.11.25



11/10/25

8/10

To

The Collector of S. Kanara.

(with of ci ob to be returned with reps)

C.F. 29—36,826—17-12-21.

9 49

LAW (GENERAL) DEPARTMENT.

2 S 356 B

Received 192 Registered 14/11/1929.

Subject.

Courts - Village Panchayat - Mangalore Taluk - Haleangady - election of panchayatdar - objection - Report submitted.

Government Endorsement No.4449 B1, dated 9th October 1929.

ENCLOSURES.
No.
Spare copies

L.Dis. No. 9043-29.

Station Mangalore, Dated the 10th Nove 1929.

From (Name) G. J. Wells, Esquire, M.A., I.C.S.,

(Designation) Collector of South Kanara.

To The Secretary to the Government of Madras,

Law (General) Department,

Madras.

Sir,

The petitioner objects to the Election of two persons Isub Beari and Vasu Shetty as panchayatdars of the Haleangadi Panchayat Court.on the ground that both the individuals are not residents of any of the villages for which the Court is constituted. The allegation that both the persons are residents of Bellairu village is found to be true. Their names appear against Bellairu village in the Mangalore Taluk Board Voters' list, dated 4th July 1928 as revised on 25th June 1929 and also in the Electoral Rolls noted below relatin

to Bellairu village. 10

Ismb Beari - I.L.A. Muhamadan Constituency.

Vasu Shetty- M.L.C. General Constituency.

2. An objection of a similar nature had been filed before the Revenue Divisional Officer, Mangalore, within the time fixed by the rules. The Revenue Divisional officer after obtaining a report from the Stationary Deputy Tahsildar, Mangalore, who conducted the Election in this case, to the effect that no objection was taken at the time of the Election rejected the objection petition without hearing the parties after notice to them, contrary to Rule 18 (a) of the Rules under the Village Courts Act. As the order was passed without observing the formalities prescribed by the rules, I have instructed the Revenue Divisional officer to enquire into the matter afresh.

page 19 ante. P.C. Mang. (No. 1 for 1929)

3. The petition and its enclosures received with the Government memo. are returned.

Your obedient servant,

H Sankara

For Collector.

12.11.29

.D'S.12/11.

Secott. H-5 (a)—48,004—6-11-28. (6)

29+29 18/11 7/20-11

Law (Genl) DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied ..		
When examined ..	18/11	
When signed ..		
When despatched ..		

Counto - village Panchayat - Haleangadi - Mangalore taluk - South Kanara dt. - Election of members - Petition - Collector's report - Recorded

Recorded

READ AGAIN G.O. No. ....., dated ..... 192 .

" " " " ..... " ..... 192 .

READ ALSO :—

Ft 1-20C. No. 4449 ~~From the~~ Petition from P. D. Peiardo son of Jacob Peiardo dated 28-9-1929.

Ft 9-10F " 5356B " Collector of S. Kanara Dis No: 9443/29 dated 6-11-1929.

" " ..... " ..... " ..... 192 .

ORDER.

No. 4479 dated 18-11-1929.

2 drafts Mis.

To

The Collector of S. Kanara
(& do)

Recorded
CA
18/11

MM
15/11/29.

15/11

Jow
16/11

Copy to P. D. Peiardo, son of Jacob Peiardo, ~~residing at~~ Savanje village, Mangalore taluk, S. Kanara dt.
(with copy of Collector's letter at Ft 9-10F)

PTO

Separate draft only

NO - This was not also supplied
Public Refer this to the Collector

Law (Genl) Dept

G. No: 4449 B

Memo. 4449 B1 dt 8-11-29,

Petition dt the 28th Sep. 1929 from P. D. Ricardo for setting aside the election of Vasu Shetty and Isub Beary to the Panchayat Court at Haleangadi.

—

The petitioner is referred to the Collector of South Kanara for orders.

8/11

16/11/29

8/11

To

P. D. Ricardo, Son of Jacob Ricardo, Pavanje village, Mangalore taluk, S. Kanara Dt.